



**StaffScapes**  
*Human Resource Solution Center*

## **PEO Handbook**

January 2021

## STATEMENT OF PURPOSE

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Welcome to StaffScapes, Inc., a Professional Employer Organization (PEO) that provides human resources, payroll, benefits, and workers' compensation services to small businesses. The purpose of a PEO is to minimize the nonproductive costs involved in employee administration and allow the worksite employer to focus on its "core" business. This concept allows small business owners to provide their employees with benefits they might not be able to provide on their own.

It is the philosophy of StaffScapes that:

***"People are our most important asset,  
and their safety and well-being are our greatest concern."***

Safety, quality, and productivity are the operating principles of StaffScapes and the worksite company. In order to achieve these goals and objectives, you must have a clear understanding as to your responsibilities to StaffScapes and the worksite company and to your co-workers.

This employee handbook provides a quick and convenient way of informing employees of basic policies and procedures. However, this handbook is not a contract or agreement, including a contract for employment for any specified period of time. This version of the handbook is meant to work in conjunction with your worksite company's handbook and is the only valid version in use regarding the policies and procedures addressed within. Any other handbooks or guides given to you by your worksite company remain in effect regarding any items not addressed in this handbook, in as much as they do not contradict the policies and procedures within. Any items not addressed in this handbook are the sole responsibility of your worksite company.

It is also the employee's responsibility to abide by the policies, rules, and regulations established by StaffScapes and the worksite company.

The worksite company will be responsible for scheduling and assigning work; direction of the work force; expanding, reducing, controlling, and determining the location of operations, including when and where and by whom work will be performed; and the method and means, processes, scheduling, and standards of productivity.

For purpose of this handbook, the term "we", "our", or "us" will refer to StaffScapes Inc. and the worksite employer. In addition, the term "human resources" refers to the Human Resources Department at StaffScapes Inc.

### At- Will Employment Policy

Your employment with StaffScapes is a voluntary one and is subject to termination by you or StaffScapes at will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of StaffScapes employees. This policy of employment-at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement approved at the discretion of the President of StaffScapes.

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## EQUAL EMPLOYMENT POLICIES

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### Equal Employment Opportunity Statement

StaffScapes is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment that is free of harassment, discrimination, or retaliation because of age (40 or older), sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related conditions), race (including hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps), national origin, disability, creed, religion, genetic information, ancestry, military or veteran status, or any other status protected by federal, state, or local laws. The Company is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.




StaffScapes and/or worksite employers will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner. The worksite employer will take appropriate corrective action, if and where warranted. StaffScapes and worksite employers prohibit retaliation against employees who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

We are all responsible for upholding this policy. You may discuss questions regarding equal employment opportunity with your supervisor or any other designated member of management.

### Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)

StaffScapes complies with the Americans with Disabilities Act (ADA), The ADA Amendments Act (ADAAA) the Colorado Anti-Discrimination Act (as amended by the Pregnant Workers Fairness Act), and all applicable state and local fair employment practices laws and is committed to providing equal employment opportunities to qualified individuals with disabilities (including pregnancy-related disabilities and health conditions related to pregnancy or the physical recovery from childbirth). Consistent with this commitment, worksite employers will provide reasonable accommodation to otherwise qualified individuals where appropriate to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the business.

If you require an accommodation because of your disability, it is your responsibility to notify your supervisor. You may be asked to include relevant information such as:

-  A description of the proposed accommodation.
-  The reason you need an accommodation.
-  How the accommodation will help you perform the essential functions of your job.

After receiving your request, StaffScapes and/or the worksite employer will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations. Where appropriate, we may need your permission to obtain additional information from your medical provider. All medical information received by the worksite employer or StaffScapes in connection with a request for accommodation will be treated as confidential.

StaffScapes encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the worksite employer is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the worksite employer.

If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

StaffScapes and worksite employers will not discriminate or retaliate against employees for requesting an accommodation.

## Pregnant Workers Fairness Act

It is the policy of StaffScapes to comply with all federal and state laws concerning the employment of persons with a condition related to pregnancy and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our company policy not to discriminate against qualified individuals with a condition related to pregnancy in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

To request an accommodation to perform the essential functions of an employee's job, the employee needs to notify their immediate supervisor, Human Resources or submit a written request to Human Resources. Once the company is aware of the need for an accommodation, it will engage with the employee in an interactive process to identify possible accommodations.

Accommodations may include modification of a workstation, change in job duties or schedule, reassignment to another position, or time off (with or without pay), provided that such exceptions do not pose a direct threat to the health or safety of these individuals in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship.

## Accommodations for Nursing Mothers

Worksite employers will provide nursing mothers reasonable unpaid break time to express milk for their infant child(ren) for up to two years following the child's birth.

If you are nursing, the company will make reasonable efforts to provide you a private room or other location in close proximity to the work area, other than a restroom, to express milk. The room will be clearly designated and either have a lock or a sign on the door to indicate when the room is in use.

Discuss with your supervisor on the best location to store expressed breast milk.

The break time must, if possible, run concurrently with any break time already provided. You are encouraged to discuss the length and frequency of these breaks with your supervisor.

## Religious Accommodation

StaffScapes is dedicated to treating its employees equally and with respect and recognizes the diversity of their religious beliefs. All employees may request an accommodation when their religious beliefs cause a deviation from the worksite dress code or the individual's schedule, basic job duties, or other aspects of employment. The worksite employer will consider the request but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that will be considered are cost, safety, the effect that an accommodation will have on current established policies, and the burden on operations – including other employees – when determining a reasonable accommodation. At no time will the Company question the validity of a person's belief.

If you require a religious accommodation, speak with your supervisor.

## Anti-harassment Policy and Complaint Procedure

StaffScapes is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, StaffScapes expects that all relationships among employees will be business-like and free of bias, prejudice and harassment.

It is our policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, or status as a covered veteran. StaffScapes prohibits any such discrimination or harassment.



Reporting of all perceived incidents of discrimination or harassment is encouraged. It is our policy to promptly and thoroughly investigate such reports. Retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such report is prohibited.

#### Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example; a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

#### Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to StaffScapes (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### Complaint Process

Individuals who believe they have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, any member of management, or human resources at (303) 466-7864 or (800) 551-7607.

When possible, individuals who believe they are being subjected to such conduct are encouraged to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. However, we recognize that an individual may prefer to pursue the matter through complaint procedures.

Prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action up to and including termination.

## Violence in the Workplace

The safety and security of our employees, vendors, contractors, and the general public is this highest priority of StaffScapes and worksite employers. We are committed to working with our employees to provide a work environment free from violence, intimidation, and other disruptive behavior.

### Zero Tolerance Policy

The Company has a zero-tolerance policy regarding workplace violence and will not tolerate acts or threats of violence, harassment, intimidation, and other disruptive behavior, either physical or verbal, that occurs in the workplace or other work-related areas. This applies to management, co-workers, employees, and non-employees such as contractors, customers, and visitors.

Workplace violence can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm, damage to property, or any intentional behavior that may cause a person to feel threatened.

### Prohibited Conduct

Prohibited conduct includes, but is not limited to:

- ☛ Physically injuring another person.
- ☛ Threatening to injure a person or damage property by any means, including verbal, written, direct, indirect, or electronic means.
- ☛ Taking any action to place a person in reasonable fear of imminent harm or offensive contact.
- ☛ Possessing, brandishing, or using a firearm on company property or while performing company business except as permitted by state law.
- ☛ Violating a restraining order, order of protection, injunction against harassment, or other court order.

### Reporting Incidents of Violence

Report to your supervisor, in accordance with this policy, any behavior that compromises our ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. You are expected to cooperate in any investigation of workplace violence.

### Violation

Violating this policy may subject you to criminal charges as well as discipline up to and including immediate termination of employment.

### Retaliation

Victims and witnesses of workplace violence will not be retaliated against in any manner. In addition, you will not be subject to discipline for, based on a reasonable belief, reporting a threat or for cooperating in an investigation.

If you initiate, participate, are involved in retaliation, or obstruct an investigation into conduct prohibited by this policy, you will be subject to discipline up to and including termination.

If you believe you have been wrongfully retaliated against, immediately report the matter to your supervisor or contact StaffScapes at (303) 466-7864.

### Workplace Bullying

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. StaffScapes and worksite employer considers the following types of behavior examples of bullying:

- ♥ **Verbal bullying:** Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- ♥ **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person's work area or property.
- ♥ **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- ♥ **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

## WORKPLACE SAFETY

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### Drug-Free Workplace

StaffScapes has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, StaffScapes is committed to the elimination of drug use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified drug use in the workplace. This policy applies to all employees and all applicants for employment at StaffScapes. The Human Resource department is responsible for policy administration.

#### Employee Assistance and Drug-Free Awareness

Illegal drug use has a number of adverse health and safety consequences. Information about those consequences and sources of help for drug problems is available from the Human Resource department, whose members have been trained to make referrals and assist employees with drug/alcohol problems. In addition, we encourage employees to use the resources provided by our Employment Assistance Program (EAP). For more information please refer to your benefit packet or contact human resources.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

#### Work Rules

The following work rules apply to all employees:

1. Whenever employees are working, are operating any company vehicle, are present on company premises, or are conducting related work off-site, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
  - b. Being under the influence of alcohol or an illegal drug or controlled substance.
2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.
3. Employees will not be allowed to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.



### Required Testing

The company retains the right to require the following tests:

- ♥ **Pre-employment:** If required by your worksite, all applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- ♥ **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Human resources must be consulted before sending an employee for reasonable suspicion testing.
- ♥ **Post-accident:** Employees requiring off-site medical attention may be subject to testing when they cause or contribute to accidents that damage company property, themselves, or another employee.

### Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including termination.

### Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

### Inspections

We reserve the right to conduct an inspection at any worksite for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including termination.

## Safety Policy

Employees must conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or with a client.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. Each facility shall have posted an emergency plan that details the procedures in handling emergencies such as fire, weather-related events and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction or refusal to follow company safety or health guidelines may result in employee disciplinary action up to and including termination. Furthermore, management requires that every person in the organization assumes the responsibility of individual and organizational safety.

The Health and Safety Committee shall have the responsibility to develop and the authority to implement the safety and health program in the interest of a safer work environment.

Each employee will work with the worksite company toward making the facility a safe and efficient place in which to work. Therefore, it is essential for everyone to understand and comply with these rules and instructions.

## Safety Rules and Instructions

Accident and incident prevention are essential to a successful operation. It is the responsibility of every

employee to observe all health and safety rules, to use good housekeeping practices, to use safe work practices, and to properly use all safety equipment supplied for the type of work being performed. Every employee is to participate in the accident prevention program by being alert for unsafe or potentially substandard conditions or acts and take immediate action to correct the situation by reporting any such conditions or acts to his/her supervisor.

The following health and safety rules and instructions are established for the purpose of maintaining an orderly and efficient operation. They are not all inclusive; additional rules and procedures may be discussed and added or amended by the worksite company. Supervisors will be responsible to communicate such changes.

As such, the following rules and instructions are to be observed at all times:

1. In case of sickness and injury, no matter how slight, report at once (but no later than the end of your shift) to your supervisor for first aid. He or she will inform the Risk Management department and inform you of your rights, duties, and obligations under the law.
2. Personal protective equipment must be worn as provided for the performance of duties, or in compliance with established facility policies.
  - a. The use of hearing protection is mandatory in designated areas. Hearing protection, such as ear plugs, will be provided to each employee.
  - b. The use of safety glasses with side shields is mandatory in designated areas. The use of specific eye protection will also be required for specific job duties (i.e., safety glasses with face shields are mandatory in areas where the work entails grinding, sanding, buffing, welding, cutting, and all similar work where flying particles may be present). Chemical resistant goggles are required when working with acids, caustics, and like materials.
  - c. Appropriate footwear is required at all times. Check with your supervisor regarding appropriate footwear.
  - d. Head protection (hard hats) must be worn when working under any other work in progress and/or when required by the general contractor.
  - e. Dust masks are available and should be worn when working in enclosed, dusty environments like attics, crawl spaces, etc.
3. Safety devices are for your protection. Never operate a piece of equipment unless all guards provided are in place. Guards shall never be removed, except when necessary to make adjustments or repairs; and they shall be replaced immediately upon completion of work requiring their removal.
4. No one will engage in any prank, contest, horseplay, running, or rough and boisterous conduct.
5. No unauthorized possession or consumption of intoxicating beverages on company premises or at the work site. Reporting to work in an unfit condition is prohibited.
6. No individual will possess, consume, or be under the influence of illegal drugs on company premises or at the worksite. Reporting to work in an unfit condition is prohibited.
7. Before using any ladder, check for good safety feet and ensure that it is free from cracks, broken rungs, and other defects. When necessary to prevent slipping, ensure that the ladder is tied off or that another employee holds the bottom of the ladder.
8. Never use makeshift or defective scaffolding, rigging, or stages. No uprights, braces, or supporting members of any scaffold should be removed, loosened, or weakened while any of the scaffolds planking or flooring is in place.
9. Do not attempt to lift or push objects that are too heavy for you. Ask for help when you need it. Be certain to lift the proper way to avoid strains. Lifting belts must be worn and properly adjusted when lifting 50 or more pounds. It is highly recommended that the lifting belt be worn at all times.
10. When necessary to lift manually, proceed in the following manner: Crouch down to load keeping your back straight; grasp the load by standing straight with legs, keeping back in as nearly straight up and down position as possible; turn feet in direction in which you wish to move avoiding any twisting motions; generally reverse the previous procedure when lowering the load.

11. Only authorized drivers are allowed to operate forklift trucks, vehicle mounted platforms, or other mobile equipment. Under no circumstances may an unauthorized person drive a forklift, vehicle mounted platform, or other mobile equipment unless authorized by the department foreman or facility supervisor as a competent operator. Mobile equipment is to be operated in the manner intended and is not to be used to transport other employees or to elevate employees without the use of properly designed cages. If employees are working in an elevated position, the authorized operator is to be in the position of control on the equipment.
12. Shut down equipment before cleaning, adjusting, or repairing. Lock and tag out the equipment. Be certain that all stored energy is neutralized prior to working on equipment.
13. Keep your work area clean and free from hazards from poor housekeeping. Put all tools, materials, and cleaning supplies in their proper place.
14. Learn the location of all fire exits, fire protection equipment, and alarm boxes in your work area. After a fire extinguisher has been used, make sure it is replaced. Never re-hang a partially used fire extinguisher.
15. Pile materials, skids, racks, boxes, ladders, and other equipment so as not to block aisles, exits, fire protection equipment, alarm boxes, electrical lighting, power panels, valves, etc. Fire doors must be kept clear. All materials stored in satellite areas must be neatly stored on pallets.
16. Employees are not permitted to operate any equipment until they are instructed by a supervisor or company representative in the safe and proper method of operation.
17. Do not tamper with electrical circuits or switches unless you are an electrician or are authorized to do so. All electrical hand tools must have a ground plug. Electrical extension cords must be regularly inspected and immediately replaced when signs of wear are observed. Never use electric tools with worn or frayed power cords.
18. Adherence to the facility's safety and health programs is mandatory.

## Worker's Compensation

It is our intent to ensure that any employee injured on the job receives the care they need. Injured employees will be referred to their supervisor for first aid, a designated workplace provider or the Emergency Room (only in life threatening circumstances). Please review the list of designated providers located on the workers compensation posters. If you have any questions about this information, please contact your supervisor or StaffScapes for more information.

If the employee receives any type of restricted duty, the details of the restriction will be reviewed by the employee and the supervisor to ensure that accommodations are clear and within the physician's recommendations. Employees should provide their supervisor with a copy of the physician's documentation to ensure that all specifications are being followed.

### Modified Duty Program

We have elected to adopt a Modified Duty Program with the intent to utilize eligible injured workers in a productive capacity while they are recovering from an injury. The goal of temporary modified duty is to provide a progression of job duties that will return the employee to their regular job.

To implement the program the following steps must be followed:

1. The injured employee will personally return a copy of the doctor's work status report to the supervisor within 24 hours of the medical visit.
2. The client will work with StaffScapes Safety Coordinator to list modified duty tasks, which will be performed by the injured employee.
3. The Safety Coordinator will then create a list of proposed tasks that will be sent to the doctor for approval.
4. The value of the modified duty assignment will be determined, and the employee will be paid accordingly. If less than the pre-injury wage, the insurance provider may pay Temporary Partial Disability benefits.

5. The Safety Coordinator will create a job offer for the employee in accordance with any applicable state or federal rules. If the employee is unwilling to accept the modified job offer, his/her benefits may be jeopardized.
6. Modified duty will be discontinued once the treating physician determines the employee has been released to full duty without restrictions.
7. The employee will be completely released from care once they have reached maximum medical improvement (MMI).

**\*\*NOTE\*\* While on modified duty, the employee will be under all existing personnel policies and will be responsible for maintaining acceptable performance standards as a condition of continued employment.**

## Non-Compliance

If an employee disregards the established safety rules and instructions, or fails to comply with the modified duty program, disciplinary action will be taken up to and including termination. This policy does not change the ability of management to demote, reassign, or terminate employment of employees with or without cause or notice. Other types of conduct that interfere with or adversely affect the operations and interests of the company may also be prohibited. Such conduct may also be regulated in operational policies, directives and procedures.

## WORKPLACE EXPECTATIONS

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### Attendance and Punctuality

Requests for time off should be scheduled with your supervisor in advance. Patterns of absenteeism or tardiness may result in discipline. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. Failure to follow this or your worksite employer's attendance policy may result in disciplinary action up to and including termination. Refer to your worksite attendance policy for more information.

### Standards of Conduct

StaffScapes wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity, and value for all employees, clients, customers, and other stakeholders. We all share in the responsibility of improving the quality of the work environment.

While it is impossible to list everything that could be considered misconduct in the workplace, what is outlined here is a list of common-sense infractions that could result in discipline, up to and including immediate termination of employment. This policy is not intended to limit our right to discipline or discharge employees for any reason permitted by law.

Examples of inappropriate conduct include:

- ✦ Violation of the policies and procedures set forth in this or your worksite employer's handbook.
- ✦ Possessing, using, distributing, selling, or negotiating the sale of illegal drugs or other controlled substances.
- ✦ Being under the influence of drugs or alcohol during working hours on Company property (including in Company vehicles), or on Company business.
- ✦ Inaccurate reporting of the hours worked by you or any other employees.
- ✦ Providing knowingly inaccurate, incomplete, or misleading information when speaking on behalf of the Company or in the preparation of any employment-related documents including, but not limited to, job applications, personnel files, employment review documents, intra-company communications, or expense records.
- ✦ Taking or destroying Company property.
- ✦ Possession of potentially hazardous or dangerous property (where not permitted) such as firearms, weapons, chemicals, etc., without prior authorization.

- ☛ Fighting with, or harassment of (as defined in our EEO policy), any fellow employee, vendor, or customer.
- ☛ Disclosure of Company trade secrets and proprietary and confidential commercially sensitive information (i.e., financial or sales records/reports, marketing or business strategies/plans, product development information, customer lists, patents, trademarks, etc.) of the Company or its customers, contractors, suppliers, or vendors.
- ☛ Refusal or failure to follow directions or to perform a requested or required job task.
- ☛ Refusal or failure to follow safety rules and procedures.
- ☛ Excessive tardiness or absences.
- ☛ Smoking in non-designated areas.
- ☛ Working unauthorized overtime.
- ☛ Failure to dress according to Company policy.
- ☛ Use of obscene or harassing (as defined by our EEO policy) language in the workplace.
- ☛ Engaging in outside employment that interferes with your ability to perform your job at this Company.
- ☛ Gambling on Company premises.
- ☛ Lending keys or keycards to Company property to unauthorized persons.

Nothing in this policy is intended to limit your rights under the National Labor Relations Act, or to modify the at-will employment status where at-will is not prohibited by state law.

## Confidentiality

Our clients and other parties with whom we do business entrust the company with important information relating to their businesses. Divulging sensitive business information, plans, trade secrets, confidential data, or strategies to competitors or other third parties without proper authorization is prohibited.

It is our policy that all information considered confidential will only be disclosed to external parties or to employees with a “need to know”. If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

This policy is intended to alert employees of the need for discretion at all times and is not intended to inhibit normal business communications. Violations of this policy will be subject to disciplinary action up to and including termination.

## Conflicts of Interest

Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs.

Employees with a conflict-of-interest question should seek advice from management. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from their manager or the Human Resource Department.

## Employee Personnel Files

The company's employee files are maintained by human resources and are considered confidential. Managers and supervisors may be permitted access to personnel file information on a need-to-know basis or when considering the hire of a former employee or the transfer of a current employee, or limited parts of it, in accordance with anti-discrimination laws.

Personnel files are to be reviewed in the human resource department. All requests for access to personnel files must be provided in writing to human resources. Personnel files may not be taken outside the department, even by managers and supervisors. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

## Use of Company Technology

This policy is intended to provide employees with the guidelines associated with the use of the worksite



employer's information technology (IT) resources and communications systems.

This policy governs the use of all IT resources and communications systems owned by or available at your company, and all use of such resources and systems when accessed using your own devices, including but not limited to:

- Email systems and accounts.
- Internet and intranet access.
- Telephones and voicemail systems, including wired and mobile phones, smartphones, and pagers.
- Printers, photocopiers, and scanners.
- Fax machines, e-fax systems, and modems.
- All other associated computer, network, and communications systems, hardware, peripherals, and software, including network key fobs and other devices.
- Closed-circuit television (CCTV) and all other physical security systems and devices, including access key cards and fobs.

### General Provisions

Company IT resources and communications systems are to be used for business purposes only unless otherwise permitted under applicable law. Employees may not use Company Internet, email, or other electronic communications to transmit, retrieve or store any communications, or other content of a defamatory, discriminatory, harassing, or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual preference may be transmitted. Harassment of any kind is prohibited.

Disparaging, abusive, profane or offensive language and any illegal activities—including piracy, cracking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the Internet or e-mail—are forbidden.

All content maintained in company IT resources and communications systems are the property of the company. Therefore, employees should have no expectation of privacy in any message, file, data, document, facsimile, telephone conversation, social media post, conversation, or any other kind or form of information or communication transmitted to, received, or printed from, or stored or recorded on company electronic information and communications systems.

Your worksite employer reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over company IT resources and communications systems in accordance with applicable law. Any individual who is given access to the system is hereby given notice that the worksite employer will exercise this right periodically, without prior notice and without prior consent.

The interests of the worksite employer in monitoring and intercepting data include, but are not limited to: protection of company trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.); managing the use of the computer system; and/or assisting employees in the management of electronic data during periods of absence.

You should not interpret the use of password protection as creating a right or expectation of privacy, nor should you have a right or expectation of privacy regarding the receipt, transmission, or storage of data on company IT resources and communications systems.

Do not use company IT resources and communications systems for any matter that you would like to be kept private or confidential.

### Security

Software programs purchased and provided by your worksite employer are to be used only for creating, researching, and processing materials for company use. By using company hardware, software, and networking systems you assume personal responsibility for their use and agree to comply with this policy and other

applicable company policies, as well as city, state, and federal laws and regulations.

All software acquired for or on behalf of the company or developed by company employees or contract personnel on behalf of the company, is and will be deemed company property. You may not illegally duplicate any licensed software or related documentation. Unauthorized duplication of software may subject you and/or the company to both civil and criminal penalties under the United States Copyright Act. It is the policy of the worksite employer to respect all computer software rights and to adhere to the terms of all software licenses to which the company is a party. Management is responsible for enforcing these guidelines. To purchase or download new software, you must obtain your manager's approval.

Employees must also be aware of cybersecurity risks and take measures to avoid cybersecurity threats. Examples include not inserting a USB device into a company computer unless you have knowledge of where it came from, not opening attachments or clicking on email links unless you are expecting the email and know the sender and avoiding unsecure websites or downloads.

#### Violations

If you violate this policy, you will be subject to corrective action, up to and including termination of employment. If necessary, the worksite employer will also advise law enforcement officials of any illegal conduct.

### Change in Employee Information

All employees are required to keep StaffScapes informed of their current address and telephone number. Changes in address or telephone number must be reported to StaffScapes promptly. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the payroll department.

#### Employee Notices

It is necessary for insurance purposes that all employees immediately notify StaffScapes of any change of name, address, telephone number, marital status, emergency contact, children's names, number of dependents, or changes in tax exemptions. Changes in beneficiaries should be promptly reported to StaffScapes' Benefits Department.

### Non-Distribution/Solicitation

For purposes of this policy, "solicitation" includes, but is not limited to, selling items or services, requesting contributions, and soliciting or seeking to obtain membership in or support for any organization. Solicitation performed through verbal, written, or electronic means is covered by the Non-solicitation/Non-distribution Policy.

You are prohibited from soliciting other employees during your assigned working time. For this purpose, working time means time during which either you or the employees who are the object of the solicitation are expected to be actively engaged with assigned work. You may conduct solicitations during your lunch period, coffee breaks, or other authorized nonworking time, so long as you do so when the other employees are also on nonworking time.

To avoid inappropriate litter, clutter, and safety risks, you may not distribute literature or other items that are not work related in working areas at any time. Working areas do not include break/rest areas, lunchrooms, or parking lots. Electronic distribution of materials is prohibited during work time. Literature that violates the company's equal employment opportunity (EEO) and non-harassment policies (including threats of violence), or is knowingly and recklessly false, is never permitted. Non-employees are not permitted to distribute materials on worksite premises at any time.

This policy is not intended to restrict the statutory rights of employees, including the right to discuss terms and conditions of employment.

Violations of this policy should be reported to your supervisor.

## Tobacco-Free Workplace

It is the policy of StaffScapes to provide a smoke-free environment within our company and worksites.

Smoking is prohibited within all areas of the building and within 25 feet of the main entrance into the building. Employees may smoke in designated outdoor areas. This restriction applies to all employees and visitors, at all times, including non-business hours.

Employees who violate the smoking policy will be subject to disciplinary action up to and including termination.

## Workplace Privacy and Right to Inspect

All company property, including but not limited to lockers, phones, computers, tablets, desks, workplace areas, vehicles, or machinery, remains under the control of the worksite employer and is subject to inspection at any time, without notice to any employees, and without their presence.

You should have no expectation of privacy in any of these areas. We assume no responsibility for the loss of, or damage to, your property maintained on company premises including that kept in lockers and desks.

## Employer Sponsored Social Events

Your worksite employer may hold periodic social events for employees. Be advised that your attendance at these events is voluntary and does not constitute part of your work-related duties. Any exceptions to this policy must be in writing and signed by a Supervisor prior to the event.

Alcoholic beverages may be available at these events. If you choose to drink alcoholic beverages, you must do so in a responsible manner. Do not drink and drive. Instead, please call a taxi, a rideshare service, or appoint a designated driver.

## Separation of Employment Policy

### Voluntary Terminations

A voluntary termination of employment occurs when an employee informs his or her supervisor of the employee's resignation or when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment).

Employees are requested to provide a notice of their intention to separate from the Company to allow a reasonable amount of time to transfer ongoing workloads. The employee should provide a written resignation letter or notification to his or her manager. If an employee does not provide advance notice, the employee may be ineligible for rehire.

### Involuntary Terminations

An involuntary termination of employment is a management-initiated dismissal. Involuntary terminations may occur for a variety of reasons, including with or without cause. An employee who is terminated by the Company for violating policy will be ineligible for rehire.

For both voluntary and involuntary terminations, employees will be required to return all company property (i.e. keys, ID cards, laptop, cell phone, etc.).

# EMPLOYMENT AND COMPENSATION

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## Employee Status

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

**Exempt Employee:** generally, managers or professional, administrative, or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the

standards and criteria established under the FLSA by the U.S. Department of Labor.

**Nonexempt Employee:** employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

**Full-Time:** Employees who are not in a temporary status and who are regularly scheduled to work the company's full-time schedule. Generally, those employees are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefits program. Please, speak to your supervisor for clarification on what full time hours are.

**Part-Time:** Employees that are hired to support the full-time staff. Part-time positions are for less than full time per week on a regular year-round basis and may vary according to seasonal or business needs. These employees are not eligible for company benefits.

**Temporary:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work for the company for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees are not eligible for company benefits.

## Payment of Wages

Employees may be paid by check or through direct deposit of funds to either a savings or checking account at the financial institution of their choice. Employees also have the option of using a pay card in which their total check may be deposited. Please call StaffScapes at (303) 466-7864 for more information if you would like to sign up for a pay card.

In the event of a lost paycheck, StaffScapes must be notified as soon as possible and before a replacement check can be issued. In the event the lost paycheck is recovered, and the company identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the company within 24 hours of the time it is demanded.

## Paycheck Deductions

StaffScapes is required by law to make certain deductions from your pay each pay period, including deductions for federal income tax, state income tax, unemployment tax, Social Security and Medicare (FICA) taxes, and any other deductions required under law or by court order for wage garnishments. The amount of your tax deductions will depend on your earnings and the information you list on your federal Form W-4 and applicable state withholding form. You may also authorize voluntary deductions from your paycheck, including contributions for insurance premiums, retirement plans, spending accounts, or other services. Your deductions will be reflected in your wage statement.

The Company will not make deductions to your pay that are prohibited by federal, state, or local law. If you have any questions about deductions from your pay, contact your Supervisor. If an error is found, you will receive an adjustment.

## Meal/Rest Periods

Please see the poster titled "Colorado Overtime & Minimum Pay Standards" at the end of this handbook for information on meal and rest periods.

# TIME OFF/LEAVES OF ABSENCE

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## Holiday Pay/Vacation/Sick/PTO

Each company worksite has their own policies regarding the observation or payment of holiday pay, vacation time, sick time, and paid time off. Please refer to your internal policies/procedures manual or speak with your supervisor or manager.

## Colorado Paid Sick Leave

Please see poster titled "Colorado Workplace Public Health Rights Poster" regarding Colorado paid sick leave and sick leave during a public health emergency.

**\*\*Please note this policy only applies to companies with 16+ employees in 2021. In 2022 this policy will apply to all employees, regardless of company size.\*\***

## Family and Medical Leave Act (FMLA)

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the worksite will provide, if required, up to 12 or 26 weeks of unpaid, job-protected leave in a 12-month period to covered employees in certain circumstances. **Please note that not all worksite employers are large enough to be required to provide FMLA leave.**

### Eligibility

To qualify for FMLA leave, you must:

1. Have worked for the Company for at least 12 months, although it need not be consecutive;
2. Worked at least 1,250 hours in the last 12 months; and
3. **Be employed at a worksite that has 50 or more employees within 75 miles.**

### Leave Entitlement

You may take up to 12 weeks of unpaid FMLA leave in a 12-month period for any of the following reasons:

- ♥ The birth of a child and in order to care for that child (leave must be completed within one year of the child's birth);
- ♥ The placement of a child with you for adoption or foster care and in order to care for the newly placed child (leave must be completed within one year of the child's placement);
- ♥ To care for a spouse, child, or parent with a serious health condition;
- ♥ To care for your own serious health condition, which makes you unable to perform any of the essential functions of your position; or
- ♥ A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty).

The 12-month period is based on a rolling year.

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, child, or next of kin who is a covered service member and who has a serious injury or illness related to active-duty service.

As used in the policy:

- ♥ **Spouse** means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.
- ♥ **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
- ♥ **Parent** means a biological, adoptive, step, or foster parent or any other individual who stood in loco parentis to you when you were a child.
- ♥ **Next of kin** for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as his or her caregiver, that individual will be the only next of kin. In appropriate circumstances, you may be required to provide documentation of next of kin status.



- ♥ **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as the cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. If you have any questions about the types of conditions that may qualify, contact Human Resources.
- ♥ **Health care provider** means a medical doctor or doctor of osteopathy, physician assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, clinical social worker, or Christian Science practitioner licensed by the First Church of Christ. Under limited circumstances, a chiropractor or other provider recognized by our group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
- ♥ **Qualifying exigencies** for military exigency leave include:
  - ♥ Short-notice call-ups/deployments of seven days or less (**Note:** Leave for this exigency is available for up to seven days beginning the date of call-up notice);
  - ♥ Attending official ceremonies, programs, or military events;
  - ♥ Special childcare needs created by a military call-up including making alternative childcare arrangements, handling urgent and nonroutine childcare situations, arranging for school transfers, or attending school or daycare meetings;
  - ♥ Making financial and legal arrangements;
  - ♥ Attending counseling sessions for yourself, the military service member, or the military service members' son or daughter who is under 18 years of age or is 18 or older but incapable of self-care because of a mental or physical disability;
  - ♥ Rest and recuperation (**Note:** Fifteen days of leave is available for this exigency per event);
  - ♥ Post-deployment activities such as arrival ceremonies, re-integration briefings, and other official ceremonies sponsored by the military (**Note:** Leave for these events are available for 90 days following the termination of active-duty status). This type of leave may also be taken to address circumstances arising from the death of a covered military member while on active duty;
  - ♥ Parental care when the military family member is needed to care for a parent who is incapable of self-care (such as arranging for alternative care or transfer to a care facility); and
  - ♥ Other exigencies that arise that are agreed to by both the Company and you.
- ♥ **A serious injury/illness** incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.

#### Notice and Leave Request Process

If the need for leave is foreseeable because of an expected birth/adoption or planned medical treatment, you must give at least 30 days' notice. If 30 days' notice is not possible, give notice as soon as practicable (within one or two business days of learning of your need for leave). Failure to provide appropriate notice may result in the delay or denial of leave.

In addition, if you are seeking intermittent or reduced schedule leave that is foreseeable due to planned medical treatment or a series of treatments for yourself, a family member, or covered service member, you must consult with the management first regarding the dates of this treatment to work out a schedule that best suits your needs or the needs of the covered military member, if applicable, and the company.

If the need for leave is unforeseeable, provide notice as soon as possible. Normal call-in procedures apply to all absences from work, including those for which leave under this policy may be requested. Failure to provide appropriate notice may result in the delay or denial of leave.

Please contact your supervisor or StaffScapes' HR Department at (303) 466-7864 to obtain FMLA forms.

#### Certification of Need for Leave

If you are requesting leave because of your own or a covered relative's serious health condition, you and the

relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from your supervisor or by contacting StaffScapes' HR Department at (303) 466-7864. When you request leave, we will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided. StaffScapes and/or your worksite employer will notify you on whether your claim is approved or denied.

At the company's expense, StaffScapes or your worksite employer may require an examination by a second health care provider designated by us. If the second health care provider's opinion conflicts with the original medical certification, we, at our expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Subsequent medical recertification may also be required. Failure to provide requested certification within 15 days, when practicable, may result in delay of further leave until it is provided.

The company also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

#### Call-In Procedures

In all instances of absence, the call-in procedures and standards established for giving notice of absence from work must be followed.

#### Intermittent Leave

If medically necessary, FMLA leave for a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

As FMLA leave is unpaid, the worksite employer will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave that is foreseeable due to planned medical treatments, the worksite employer may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

#### Parental Leave

Leave for the birth or placement of a child must be taken in a single block and cannot be taken on an intermittent or reduced schedule basis. Parental leave must be completed within 12 months of the birth or placement of the child; however, you may use parental leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc.

#### Family Care, Personal Medical, Military Exigency, and Military Care Leave

Leave taken for these reasons may be taken in a block or blocks of time. In addition, if a health care provider deems it necessary or if the nature of a qualifying exigency requires, leave for these reasons can be taken on an intermittent or reduced-schedule basis.

#### Paid Leave Utilization During FMLA Leave

FMLA leave is unpaid. If you are taking parental, family care, military exigency, and/or military care leave, you must utilize available vacation/PTO, personal days, and/or family illness days during this leave. If you are taking personal medical leave, you must utilize available sick, personal, and vacation/PTO days during this leave. If you are receiving short- or long-term disability or workers' compensation benefits during a personal medical leave, you will not be required to utilize these benefits. However, you may elect to utilize accrued benefits to supplement these benefits.

#### Fitness for Duty Requirements

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you

are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. You will not be permitted to resume work until it is provided.

#### Health Insurance

If applicable, your health insurance coverage will be maintained by the worksite employer during leave on the same basis as if you were still working. You must continue to make timely payments of your share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. If this occurs, you will be notified 15 days before the date coverage will lapse that coverage will terminate unless payments are promptly made.

Alternatively, at our option, we may pay your share of the premiums during the leave and recover the costs of this insurance upon your return to work. Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period. Under most circumstances, if you do not return to work at the end of leave, the Company may require reimbursement for the health insurance premiums paid during the leave.

#### Reinstatement

Upon returning to work at the end of leave, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any benefits that accrued before leave was taken.

#### Spouse Aggregation

If you and your spouse are both employed by the same worksite employer, the total number of weeks to which you are both entitled in the aggregate because of the birth or placement of a child or to care for a parent with a serious health condition will be limited to 12 weeks per leave year. Similarly, spouses employed by the company will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed for your own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.

#### Failure to Return

If you fail to return to work or fail to make a request for an extension of leave prior to the expiration of the leave, you will be deemed to have voluntarily terminated your employment. The worksite employer is not required to grant requests for open-ended leaves with no reasonable return date under these policies or as disability accommodations.

#### Alternative Employment

While on leave of absence, you may not work or be gainfully employed either for yourself or others unless express, written permission to perform such outside work has been granted by your worksite employer. If you are on a leave of absence and are found to be working elsewhere without permission, you will be subject to disciplinary action up to and including termination.

#### Abuse of Leave

If you are found to have provided a false reason for a leave, you will be subject to disciplinary action up to and including termination.

#### Designation of Leave

If the worksite employer becomes aware of any qualifying reason for FMLA leave, the Company will designate it as such. An employee may not refuse FMLA designation under this policy.

#### Retaliation

StaffScapes and the worksite employer will not retaliate against employees who request or take leave in accordance with this policy.

### Jury Duty

Employees who are required by law to appear in court as a subpoenaed trial witness, or to serve on a jury and

who actually appear to testify or serve or report for jury duty, will be granted time off by the company for each day partially or wholly spent in testifying or performing jury duty, if they otherwise would have been scheduled to work.

In order to receive the time off for jury duty, employees must give the company prior notice that they have been subpoenaed to testify or summoned for jury duty and must furnish satisfactory evidence that testimony was furnished, or jury duty was performed on the days for which they request off work.

Employees will be paid according to state and federal law requirements, and in accordance with the requirements of the Fair Labor Standards Act. StaffScapes and the worksite employer will not retaliate against employees who request or take leave in accordance to this policy.

## Military Leave (USERRA)

StaffScapes complies with applicable federal and state law regarding military leave and re-employment rights. Unpaid military leave of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA; with amendments) and all applicable state law. You must submit documentation of the need for leave to your supervisor. When returning from military leave of absence, you will be reinstated to your previous position or a similar position, in accordance with state and federal law. You must notify your Supervisor of your intent to return to employment based on requirements of the law. For more information regarding status, compensation, benefits, and reinstatement upon return from military leave, contact StaffScapes at (303) 466-7864.

## Domestic Abuse

StaffScapes will provide employees who are victims of domestic violence, including sexual abuse, stalking, sexual assault, or any other crime including an act found by a court to be domestic violence, up to three days of leave time within a 12-month period.

### Eligibility

You must have been employed with the Company for 12 or more months to be eligible for this leave.

### Use of Leave

You may use leave available under this policy to:

- ♥ Seek a civil protection order to prevent domestic abuse.
- ♥ Obtain medical care and/or medical health counseling for yourself or your children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, sexual assault, or other crime involving domestic violence.
- ♥ Make your home secure from the perpetrator of the crime or seek new housing to escape the perpetrator.
- ♥ Seek legal assistance to address issues arising from the crime and attend and prepare for court-related proceedings arising from the act or crime.

### Notice

Except in a case of imminent danger, if you are seeking leave from work under this policy you must provide the worksite employer with advance notice of the leave. In addition, the company may require you to provide documentation verifying the need for the leave. Confidentiality of the situation will be maintained to the extent possible. You may be required to exhaust available vacation/PTO/sick leave before taking unpaid leave.

### Retaliation

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## Voting Leave

All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, employees may receive up to two hours during the workday to vote. Time off for voting should be reported and coded appropriately on timekeeping records.

Employees may be eligible to be paid for the time off according to state law requirements, and/or requirements of the Fair Labor Standards Act.

## BENEFITS

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Full-time employees who average 30+ hours per week are eligible for voluntary benefits. Initial enrollment is available on the first of the month following 60 days of employment. All elected benefits premiums will be taken from the employee's paycheck. For more information regarding the individual plans, refer to your benefits packet or call the Benefits Department at StaffScapes at (303) 466-7864. The following benefits are in effect as of the printing of this handbook but are subject to change without notice.

### Medical Insurance

Medical insurance may be available through your worksite employer. Please speak with your supervisor or contact the Benefits Department at StaffScapes for more information.

### Dental Plans

Two dental plans are offered to ensure that your dental needs are met. The Unum Dental PPO plan covers preventative care at 100% and assists you with major services by covering 60% of the cost. Unum also offers an Extended Max Benefit that will continue to pay 30% coinsurance on eligible services after you reach your annual maximum. The Alpha Dental discount program has both local and national providers and offers up to a 65% discount off normal dental charges. Dental plans are an optional employee-paid benefit.

### Vision Plan

Our partnership with EyeMed provides you a network of thousands of optometrists, ophthalmologists, and opticians. In addition, EyeMed has low copays and substantial discounts on major services. Frames, lenses (or contacts), and exams are provided annually as part of your benefit. The vision plan is an optional employee-paid benefit.

### Flexible Spending Accounts

#### Medical

You have the option of saving up to \$2,500 each calendar year on a pre-tax basis for any expenses not covered by your medical, dental, or vision insurance (limitations exist). Please note that if eligible expenses are less than the elected annual amount of flex dollars for that year, the balance will be forfeited.

#### Dependent Care

In addition to medical expenses, you may contribute up to \$5,000 per calendar year for eligible dependent care expenses.

### Group Life Insurance and Voluntary Life

You are entitled to an employer-paid basic group term life policy along with an accidental death and dismemberment policy at no cost to you. You may enroll in the voluntary life insurance in addition to the employer-paid portion. The voluntary benefit has a guaranteed issue amount of \$100,000 at your initial enrollment.

### Employee Assistance Program

StaffScapes provides confidential assistance through its employee assistance program (EAP) to all eligible employees and their immediate family members. The EAP provides confidential access to professional counseling services for help with personal concerns that may impact job performance. These concerns may include, but are not limited to, health, marital, family, financial, legal, emotional, alcohol abuse, and drug use. The EAP can help assess the problem, offer guidance, and provide a referral to quality care.

Voluntary participation in the EAP will not jeopardize your opportunities for promotion or employment. You can contact the EAP directly. Any information about your contact, participation, or any recommended



treatment is confidential and will not be disclosed to the company.

EAP services are available to eligible participants without charge; however, the cost of referrals to treatment or rehabilitation is your responsibility if it is not completely covered by insurance.

EAP services can be initiated by contacting the EAP service provider, Unum, at: 1-800-854-1446.

### Accident and Critical Illness

We have partnered with Unum to provide supplemental insurance coverage to our co- employees. Peace of mind and real cash benefits, Unum provides insurance plans that pay you benefits to help cover the costs associated with unexpected bills. This is an employee-paid benefit, but premiums are affordable, claims are easy to process, and you may use the cash benefit as you see fit.

### Short-Term Disability Benefits

The company's short-term disability plan is a benefit that provides partial pay for employees who are unable to work due to illness, injury or disability not related to work, after an absence of more than seven (7) or fourteen (14) consecutive calendar days. This is an employee-paid optional benefit.

### Retirement Options

StaffScapes believes that it's never too late to start planning for your retirement. With that goal in mind, we offer over 30 investment options in our 401(k) plan as well as a ROTH 401(k). Speak with your supervisor or contact the Benefits Department at StaffScapes at (303) 466-7864 to find out if your worksite employer currently participates.

This handbook only provides information on the basic policies and procedures and is to be used in conjunction with your worksite policies and procedures. If you have any questions, please call a StaffScapes Human Resource Representative at 303-466-7864. Congratulations on your employment!

## Colorado Workplace Public Health Rights Poster: PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT

*Effective 1/1/22; may be updated annually;  
up-to-date poster available each mid-December*

### THE HEALTHY FAMILIES & WORKPLACES ACT (“HFWA”): Paid Leave Rights

#### Coverage: All Colorado employers, of any size, must provide paid leave

- Employees earn 1 hour of paid leave per 30 hours worked (“accrued leave”), up to 48 hours a year.
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.\*
- Regular hours and pay set the rate of accrual and compensation for leave, during which benefits continue.
- Up to 48 hours of unused accrued leave carries over for use the next year.
- For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7.

#### Employees can use accrued leave for the following safety or health needs:

- (1) a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care;
- (2) domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
- (3) has a family member experiencing a condition described in category (1) or (2); *or*
- (4) in a PHE, a public official closed the workplace, or the school or place of care of the employee’s child.

#### In a public health emergency (PHE), employees can use supplemental PHE leave for the following needs\*:

- (1) self-isolating or work exclusion due to exposure, symptoms, or diagnosis of the communicable illness in the PHE;
- (2) seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
- (3) being unable to work due to a health condition that may increase susceptibility to or risk of such an illness; or
- (4) caring for a child or other family in category (1)-(3), or whose school or child care is unavailable due to the PHE.

During a PHE, employees still earn up to 48 hours of accrued leave and may use supplemental leave before accrued leave.

#### Employer Policies (Notice; Documentation; Incremental Use; Privacy; and Paid Leave Records)

- **Written notice and posters.** Employers must (1) provide notice to new employees no later than other onboarding documents/policies; and (2) display updated posters, and provide updated notices to current employees, by end of year.
- **Notice for “foreseeable” leave.** Employers may adopt “reasonable procedures” in writing as to how employees should provide notice if they require “foreseeable” leave, but cannot deny paid leave for noncompliance with such a policy.
- **An employer can require documentation to show that leave was for a qualifying reason only if leave was taken for four or more consecutive work days** (*i.e.* days on which an employee would have worked, not calendar days).
- **Documentation is not required to take paid leave**, but can be required as soon as an employee can provide it after returning to work or separating from work (whichever is sooner). **No documentation can be required for PHE leave.**
- **To document leave for an employee’s (or an employee’s family member’s) health-related need**, an employee may provide: (1) a document from a health or social services provider *if* services were received and document can be obtained in reasonable time and without added expense; *otherwise* (2) the employee’s own writing.
- **To document that an employee (or an employee’s family member) required leave for a need related to domestic abuse, sexual assault, or criminal harassment**, an employee may provide: a document or writing under (1) above (*e.g.* from a provider of legal or shelter services) or (2) above, or a legal document (*e.g.*, a restraining order or police report).
- **If an employer reasonably deems an employee’s documentation deficient**, the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee’s return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.

- **Incremental use.** Depending on employer policy, employees can use leave in either hourly or six-minute increments.
- **Employee Privacy.** Employers cannot require employees to disclose “details” about an employee’s (or their family’s) HFWA-related health or safety information; such information must be treated as a confidential medical record.
- **Records must be provided upon request.** Employers must provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for HFWA leave arises.

#### Retaliation or Interference with HFWA Rights

- **Paid leave cannot be counted as an “absence”** that may result in firing or another kind of adverse action.
- **An employee can’t be required to find a “replacement worker” or job coverage when taking paid leave.**
- **An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by**, an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a HFWA violation.
- **If an employee’s reasonable, good-faith HFWA complaint, request, or other activity is *incorrect***, an employer need not agree or grant it, but cannot *act against* the employee for it. Employees *can* face consequences for misusing leave.

### THE PUBLIC HEALTH EMERGENCY WHISTLEBLOWER LAW (“PHEW”): Worker Rights to Express Workplace Health Concerns & Use Protective Equipment

#### Coverage: All Employers and Employees, Plus Certain Independent Contractors

- PHEW covers not just “employers” and “employees,” but all “principals” (an employer **or** a business with at least 5 independent contractors) and “workers” (employees **or** independent contractors at a “principal”).

#### Worker Rights to Oppose Workplace Health/Safety Violations During Public Health Emergencies\*:

- It is unlawful to retaliate against, or interfere with, the following acts during, and related to, a public health emergency:
  - (1) **raising reasonable concerns**, including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;
  - (2) **opposing or testifying, assisting, or participating** in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct.
- A principal need not address a worker’s PHEW-related concern, but it still cannot fire or take other *action against* the worker for that reason, as long as the concern was reasonable and in good-faith.

#### Workers’ Rights to Use Their Own Personal Protective Equipment (“PPE”):

- A worker must be allowed to **voluntarily wear their own PPE** (mask, faceguard, gloves, etc.) if the PPE (1) provides **more protection** than equipment provided at the workplace, (2) is **recommended** by a government health agency (federal, state, or local), and (3) does not make the worker **unable to do the job**.

### COMPLAINT RIGHTS (under both HFWA & PHEW)

- Report violations to the Division as complaints or anonymous tips, or file in court after exhausting pre-lawsuit remedies.

This Poster summarizes two Colorado workplace public health laws, SB 20-205 (paid leave) & HB 20-1415 (whistleblowing & personal protective equipment). It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for such health and safety information.

**This poster must be displayed where easily accessible to workers, shared with remote workers, provided in other languages as needed, and replaced with any annually updated versions.**

**This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, or for the status of the public health emergency (\*a qualifying emergency remains in effect as of January 2022), contact:**

**DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle\_labor\_standards@state.co.us, 303-318-8441 / 888-390-7936.**



## COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER ("COMPS Order") #38, POSTER & NOTICE

*Effective 1/1/22: must update annually;  
new poster available each mid-December*

### Colorado Minimum Wage: \$12.56/hour, or \$9.54 for Tipped Employees, in 2022 (Rule 3)

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2022
- All employees must be paid at least the minimum wage (unless exempt in Rule 2), whether paid hourly or another way (salary, commission, piecework, etc.), except unemancipated minors can be paid 15% under full minimum wage
- Use the highest standard if other labor laws also apply, such as Denver's minimum wage (\$15.87 in 2022)

### Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)

- Overtime is required *each* week over 40 hours, or day over 12, even if 2 or more weeks or days *average* fewer hours
- Employers cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours
- Key variances/exemptions (all are detailed in Rules 2.3-2.4):
  - Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers
  - No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law)
  - Agriculture, as of 11/1/22: overtime after 60 hours; half-hour paid break in days over 12 hours, extra pay if over 15

### Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)

- Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities
- If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

### Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

#Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	0	1	2	3	4	5	6

- Need not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practical
- Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees
- Key variances/exemptions:
  - In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1)
  - Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

### Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9)

- All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including:
  - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty,
  - waiting for assignments at work, or receiving or sharing work-related information,
  - security/safety screening, or clocking/checking in or out, or
  - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2)
- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3).

### Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8)

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc.
- Deductions from pay: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft in a police report, or for property loss after an audit)
- Tip credits: Employers can pay up to \$3.02 under minimum wage (\$9.54 in 2022, or \$12.85 in Denver), if:
  - (a) tips (not mandatory service charges) raise pay to full minimum, & (b) tips aren't diverted to non-tipped staff/owners
- Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals
- Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type)
- Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear

### Exemptions from COMPS (Rule 2.2 lists all; key exemptions are below)

- Executives/supervisors, administrators, and professionals paid at least a salary (not hourly wages) of \$45,000 in 2022 (\$50,000 in 2023, \$55,000 in 2024, then inflation-adjusted), except \$28.92/hour for highly technical computer work
- Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$101,250 in 2022)
- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management
- Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers

### Record-Keeping & Notices of Rights (Rule 7)

- Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate (including any tips and credits), and total pay
- This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers), provided within one month of beginning work and when employees request a copy
- Employers must include a copy of this poster, or a COMPS Order, in any employment handbook or manual
- Violation of notice of rights rules (posting or distribution), including by providing information undercutting this poster, may yield fines and/or ineligibility for employee-specific credits, deductions, or exemptions in COMPS

### Complaint & Anti-Retaliation Rights (Rule 8)

- Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court
- Employers cannot retaliate against, or interfere with, employees exercising their rights
- Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7)
- Owners and other individuals with control over work may be liable for certain violations — not just the business, even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6)
- Immigration status is irrelevant to these labor rights: the Division will not ask or report status in investigations or rulings, and it is illegal for anyone to use immigration status to interfere with these rights (Wage Protection Rule 4.8)

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**DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle\_labor\_standards@state.co.us, 303-318-8441 / 888-390-7936**